

**TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE MEETING MINUTES
MARCH 13, 2014**

Mayor Sullivan called the workshop meeting of the Township Committee of the Township of Chatham to order at 7:35 PM.

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 6, 2014; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 6, 2014; and notice was filed with the Township Clerk on January 6, 2014.

Mayor Sullivan led the Flag Salute.

Roll Call

Answering present to the roll call were Committeewoman Abbott, Committeeman Gallop, Committeeman Brower, Deputy Mayor Ritter and Mayor Sullivan.

Approval of Agenda

Resolution 2014-081 and Resolution 2014-082 were added to the Consent Agenda.

Committeeman Gallop moved to approve the Agenda as amended. Committeewoman Abbott seconded the motion, and it carried unanimously.

Announcements

Mayor Sullivan announced that March is National Nutrition Month and Shop*Rite is distributing information on healthy food choices. Mayor Sullivan also announced that there will not be a March 27th meeting.

Proclamation

Mayor Sullivan read aloud the attached proclamation for Autism Awareness Month. Brad Smith from NJ Autism Speaks was present, and provided information on autism rates in New Jersey.

Reports

Committeewoman Abbott reported that the Community Garden Committee is waiting for the ground to thaw so as to install a water line. They will be looking into creating additional parking. The Colony Tennis calendar is being prepared. The Municipal Alliance Committee had a program on maintaining a calm home, and they will be having a program soon on raising resilient girls.

Committeeman Gallop reported that the Public Safety Committee met, and the accreditation program will be moving forward. The license plate reader is now in use, and the Police Department is looking to have cameras installed in squad cars.

Committeeman Brower reported that the Senior Center is encouraging residents to see the upcoming programs that they are offering.

Deputy Mayor Ritter reported that the ACT Now! Campaign is underway. The Communications Committee is also developing a social media policy, and is looking into having the videos of Township Committee meetings posted on the Township website. The Environmental Commission is planning to do a survey on recycling once a Survey Monkey account is procured. The Environmental Commission is also planning a clean-up of a property on Green Village Road on April 19th from 9:30 to 12:30. The fire departments are reminding residents to change the batteries in their smoke detectors. The Green Village Fire Department will be hosting a 5K race on April 6th.

Mayor Sullivan reported that the Recreation Committee met, and spring sports are moving along. Procedures for background checks have been updated, and are on the agenda for Township Committee approval. The Recreation Program is also looking to develop a cross country & track program.

Board of Health

The annual report of the Board of Health was presented by Board President John Nachtigal. Mr. Nachtigal reported on the Board of Health budget, and the primary cost is the contract with the Madison Health Department. Engineering fees have remained stable, and are largely funded through escrow accounts. AECOM was the engineering firm used in previous years, and this year Hatch Mott MacDonald has been retained for septic design reviews. The Board of Health is considering adopting a plan review fee for new restaurants. Mr. Nachtigal also addressed the noise control ordinance, and suggested that the Police Department should have an officer trained on the equipment used to measure sound levels. He also addressed the issue of noise created by backup generators. Mr. Nachtigal also reported that there is no longer a county epidemiologist due to cutbacks at the state level. He also commented on the services provided by the Madison Health Department. Deputy Mayor Ritter asked about inspections of dumpsters to keep wildlife away. Mr. Nachtigal said that dumpsters are only required to be rodent proof. He further reported on the review of septic systems, as well as the septic licensing requirement. Deputy Mayor Ritter asked about animal bites, and Mr. Nachtigal described the reporting process. Committeeman Brower addressed the concern about the noise created by backup generators. The Township Committee discussed possible measures to mitigate generator noise. Mr. Nachtigal also commented on the many years of service of Dr. Jim Brown to the Board of Health.

RESOLUTION 2014-082 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY HONORING DR. JAMES BROWN

WHEREAS, Dr. James Brown has dedicated 30 years of outstanding service to the Chatham Township Board of Health and the community of Chatham Township; and

WHEREAS, Dr. Brown has given his time and utmost efforts to ensure and protect the Public Health of the Township of Chatham, guiding the Board of Health under the laws of the State of New Jersey; and

BE IT RESOLVED by the Township Committee of the Township of Chatham acknowledging Dr. Brown's extensive contributions to the Township of Chatham during his service to the Board of Health, with deep gratitude for his contributions.

BE IT RESOLVED that Dr. Brown's loyal service, attentiveness to the needs of the community and giving nature will be missed by the Township of Chatham.

BE IT FURTHER RESOLVED that the Township Committee on behalf of all the residents of the Township of Chatham extend a sincere thank you for 30 years of unselfish service to improving the lives of our community and exemplifying the highest level of giving; giving of oneself.

Mayor Sullivan read aloud Resolution 2014-082 to honor Dr. Brown. Dr. Brown commented on his years on the Board.

Environmental Commission

Chairperson Dot Stillinger presented the annual report of the Environmental Commission. She thanked the members of the Commission for their hard volunteer work. Mrs. Stillinger gave an overview on the statutory responsibilities of the Commission. She noted the clean-up event on April 19th at the Township owned property next to the Oak Knoll playing fields. Other activities performed include a sapling sale, website updates, updating the Natural Resource Inventory, monitoring conservation easements, and attending conferences and the Green Fair. Plans for 2014 are to continue present efforts. The Environmental Commission is also looking into recycling options. Mayor Sullivan asked what the biggest environmental threat is to the Township. Mrs. Stillinger said that development in environmentally sensitive areas is the biggest threat, but steps are being taken to tighten up the ordinances that will address such threats.

Additional Reports

Administrator Ciccarone reported that construction on the sewer project will begin in May.

Hearing of Citizens/Petitions

Mayor Sullivan opened the Hearing of Citizens.
Seeing none, Mayor Sullivan closed the Hearing of Citizens.

Public Hearing/Final Adoption of Ordinances

Ordinance 2014-02

ORDINANCE 2014-02 AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING UNIFORM CONSTRUCTION CODE FEES

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the Revised General Ordinances of the Township of Chatham, 1995 are amended to provide for modifications to Chapter XI, Building and Housing, Section 11-1.3, Fees, to modify the following fees under the Uniform Construction Code for Building Subcode Fees and Electrical Subcode Fees, as follows:

1. Subsection 11-1.3b. is amended to read as follows:
11-1.3b.2.d. Radiant floor heat: \$50.00. Water utility connection, sewer utility connection, septic abandonment: \$95.00.
2. Subsection 11-1.3h. is amended to add the following:
11-1.3h.5. Construction Records Clearance Certificate - \$40.00
3. All other terms and provisions of Chapter XI shall remain unchanged.
4. This ordinance shall take effect as provided by law.

Mayor Sullivan opened the Public Hearing on Ordinance 2014-02.
Seeing no public comment, Mayor Sullivan closed the Public Hearing.

Committeeman Brower moved to adopt Ordinance 2014-02. Committeewoman Abbott seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Ordinance 2014-03

ORDINANCE 2014-03 AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING, EXTINGUISHING AND VACATING ALL OF THE TOWNSHIP OF CHATHAM'S RIGHT, TITLE AND INTEREST IN AND TO THAT PORTION OF 73 LINDEN LANE, BLOCK 83, LOT 35, AND 75 PINE STREET, BLOCK 83, LOT 56 ON WHICH A WALKWAY EASEMENT IS LOCATED

WHEREAS, there exists in the Township of Chatham, Morris County, New Jersey, a walkway easement which is located on 73 Linden Lane, Block 83, Lot 35, and 75 Pine Street, Block 83, Lot 56, as shown on the Official Tax Map of the Township of Chatham ("Properties"); and

WHEREAS, the owners of the Properties requested that the walkway easement located on 73 Linden Lane, Block 83, Lot 35, and 75 Pine Street, Block 83, Lot 56, as shown on the Tax Map of the Township of Chatham, be released, extinguished and vacated; and

WHEREAS, the Township Committee of the Township of Chatham does hereby determine that the walkway easement has not been opened by the Township, is no longer needed for public purposes and that the public interest will be better served by releasing, extinguishing and vacating the walkway easement; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the Township to release, extinguish and vacate the public's rights, and the rights of the Township in the walkway easement.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, Morris County, New Jersey, as follows:

SECTION 1. Subject to the conditions set forth below, the rights of the public and the Township of Chatham in and to the walkway easement are hereby released, extinguished and vacated.

SECTION 2. The walkway easement being vacated shall revert to and remain a part of Block 83, Lot 35 and Block 83, Lot 56.

SECTION 3. Expressly reserved and excepted from this vacation are all of the rights and privileges now possessed by public utilities and cable television companies to maintain and repair their existing facilities adjacent to, over and under the walkway easement to be vacated.

SECTION 4. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

SECTION 5. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, record a copy of this Ordinance certified by the Clerk under the seal of the Township, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Morris, in accordance with the provisions of N.J.S.A. 40:67-21.

SECTION 6. The Mayor and Clerk are hereby authorized to sign a Quitclaim Deed releasing, extinguishing and vacating the walkway easement on the Properties.

SECTION 7. If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION 8. This Ordinance shall become effective upon the adoption and recording of this Ordinance with the Morris County Clerk's Office.

Committeeman Brower announced that he needs to recuse himself from participating in discussions on this ordinance, as he lives in the neighborhood and does not want to create a potential conflict of interest. Attorney Cruz said that Ordinance 2014-03 should be tabled, and could be reintroduced with a new ordinance number.

Committeewoman Abbott moved to table Ordinance 2014-03. Deputy Mayor Ritter seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Abstain; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Introduction of Ordinance 2014-08

ORDINANCE 2014-08

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING, EXTINGUISHING AND VACATING ALL OF THE TOWNSHIP OF CHATHAM'S RIGHT, TITLE AND INTEREST IN AND TO THAT PORTION OF 73 LINDEN LANE, BLOCK 83, LOT 35, AND 75 PINE STREET, BLOCK 83, LOT 56 ON WHICH A WALKWAY EASEMENT IS LOCATED

WHEREAS, there exists in the Township of Chatham, Morris County, New Jersey, a walkway easement which is located on 73 Linden Lane, Block 83, Lot 35, and 75 Pine Street, Block 83, Lot 56, as shown on the Official Tax Map of the Township of Chatham ("Properties"); and

WHEREAS, the owners of the Properties requested that the walkway easement located on 73 Linden Lane, Block 83, Lot 35, and 75 Pine Street, Block 83, Lot 56, as shown on the Tax Map of the Township of Chatham, be released, extinguished and vacated; and

WHEREAS, the Township Committee of the Township of Chatham does hereby determine that the walkway easement has not been opened by the Township, is no longer needed for public purposes and that the public interest will be better served by releasing, extinguishing and vacating the walkway easement; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the Township to release, extinguish and vacate the public's rights, and the rights of the Township in the walkway easement.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, Morris County, New Jersey, as follows:

SECTION 1. Subject to the conditions set forth below, the rights of the public and the Township of Chatham in and to the walkway easement are hereby released, extinguished and vacated.

SECTION 2. The walkway easement being vacated shall revert to and remain a part of Block 83, Lot 35 and Block 83, Lot 56.

SECTION 3. Expressly reserved and excepted from this vacation are all of the rights and privileges now possessed by public utilities and cable television companies to maintain and repair their existing facilities adjacent to, over and under the walkway easement to be vacated.

SECTION 4. At least seven (7) days prior to the time fixed for the consideration of this Ordinance for final passage, a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Township Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

SECTION 5. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, record a copy of this Ordinance certified by the Clerk under the seal of the Township, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Morris, in accordance with the provisions of N.J.S.A. 40:67-21.

SECTION 6. The Mayor and Clerk are hereby authorized to sign a Quitclaim Deed releasing, extinguishing and vacating the walkway easement on the Properties.

SECTION 7. If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION 8. This Ordinance shall become effective upon the adoption and recording of this Ordinance with the Morris County Clerk's Office.

Deputy Mayor Ritter moved to introduce Ordinance 2014-08. Committeeman Gallop seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Abstain; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Public Hearing on Ordinance 2014-08 will be scheduled for April 10, 2014.

Ordinance 2014-04

ORDINANCE 2014-04 AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE PROVISIONS FOR THE FUNDING OF OPEN SPACE ACQUISITION

WHEREAS, the Township Committee of the Township of Chatham wishes to reduce the tax levy for the contribution to the Open Space Reserve as set forth at Chapter 2, Article VIII, Section 2-75, Open Space Trust Fund for the tax year 2014;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham, are amended to provide for modifications to Chapter II, Subsection 2-75.2, Funding of the Reserve for Open Space Acquisition, as follows:

1. 2-75.2 Funding of the Reserve for Open Space Acquisition.

The Reserve for Open Space Acquisition shall be funded through the dedication to the fund of an amount of one-half (\$.005) cent per one hundred (\$100.00) dollars of assessed valuation for the tax levy for the year 2014. The Reserve shall also be permitted to accept donations and testamentary bequests. The funds accumulated within the Reserve may be utilized for the acquisition of land, easements, or development rights in land within the Township, including use for active and passive recreation, the development and maintenance of municipal properties to be used for active and passive recreation, or as a down payment for the issuance of bonds for the same purposes at the discretion of the Township Committee. Any and all interest accruing on said funds shall be placed into the Reserve for Open Space Acquisition. Unless the Township Committee takes further action, the annual tax levy for the Reserve for Open Space Acquisition shall return to two (\$.02) cents per hundred (\$100.00) dollars of assessed valuation commencing with the tax levy for the year 2015.

2. All other provisions of Chapter II, Article VIII, Section 2-75, shall remain unchanged.

3. This ordinance shall take effect as provided by law.

Mayor Sullivan opened the Public Hearing on Ordinance 2014-04.
Seeing no public comment, Mayor Sullivan closed the Public Hearing.

Committeeman Brower moved to adopt Ordinance 2014-04. Deputy Mayor Ritter seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Ordinance 2014-05

ORDINANCE 2014-05
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% , unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Committee of the Township of Chatham in the County of Morris finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year’s final appropriations in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Committee hereby determines that a 3.0% increase in the budget for said year, amounting to \$334,353 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law is advisable and necessary; and

WHEREAS, the Township Committee hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Chatham in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring that in the CY 2014 budget year, the final appropriations of the Township of Chatham shall, in accordance with the ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$369,567 and that the CY 2014 municipal budget for the Township of Chatham be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor Sullivan opened the Public Hearing on Ordinance 2014-05.
Seeing no public comment, Mayor Sullivan closed the Public Hearing.

Committeewoman Abbott moved to adopt Ordinance 2014-05. Committeeman Brower seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Ordinance 2014-06

ORDINANCE 2014-06
AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, ESTABLISHING FEES FOR COLONY RECREATION CENTER COMMENCING 2014

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that Section 20-1 of the Township Code is hereby amended to read as follows:

- 1. **20-1 MEMBERSHIP FEES AT THE COLONY RECREATION CENTER .**
 - a. The following schedule of Colony Recreation Center Fees is hereby established:

	<u>Fee</u>	<u>Number of Free Guest Passes</u>
Family Pool and Tennis.....	\$ 550.00	2
Family Pool.....	\$ 475.00	2
Family Tennis.....	\$ 275.00	2

(Family Memberships include two parents and resident children up to age 22)

Nanny (Proof required).....	\$ 125.00	0
Individual Pool and Tennis.....	\$ 275.00	1
Individual Pool (16 years of age and over)	\$ 240.00	1
Individual Tennis.....	\$ 150.00	1
Junior Tennis (Ages 6-17)	\$ 75.00	0
Senior Citizen Pool and Tennis - Couple..... (Only one spouse needs to be 65)	\$ 100.00	2
Senior Citizen Pool and Tennis - Single.....	\$ 50.00	1
New Member Registration Fee Pool	\$ 100.00*	
Non-resident Surcharge (Family Pool, Family Pool + Tennis)	\$ 125.00	
Non-resident Surcharge (Family Tennis, Individual Pool + Tennis, Individual Pool, Individual Tennis)	\$ 75.00	
Pool Guest Pass (Weekday).....	\$ 7.50	
Pool Guest Pass (Weekend and Holiday).....	\$ 10.00	
Guest Pass Book (10 Passes).....	\$ 75.00	
Tennis Guest Pass (Weekday).....	\$ 7.00 per 1 ½ hour	
Tennis Guest Pass (Weekend and Holiday)	\$ 10.00 per 1 ½ hour	
Fitness Classes (4 weeks)	\$ 90.00	
Fitness Classes (8 weeks)	\$150.00	
Yoga on the Beach (4 weeks)	\$ 75.00	
Yoga on the Beach (8weeks)	\$125.00	
Fitness and yoga combined (8weeks)	\$300.00	

The following programs are managed by the Strand Tennis Center and require registration through the Strand in addition to the Colony Recreation Center membership fees:

Junior Tennis Clinic...1 hr session	\$ 20.00
Junior Tennis Clinic...1/2 hr session	\$ 15.00
Junior Tennis Team (daily practice plus matches)	\$ 200.00
Adult Tennis Clinic...1 ½ hr session	\$ 30.00
Summer Weekly Tennis Camps ½ Day (9-12)	\$ 150.00

* Does not apply to senior citizens

No membership refunds will be made after opening day.

b. *Reduced Fees for Emergency Response Organization Volunteers.* Active members of the Chatham Emergency Squad, Green Village Volunteer, and Chatham Township Volunteer Fire Department, and their immediate families, shall be entitled to a fifty (50%) percent reduction in membership fees to the Chatham Colony Recreation Center. Active members of the Chatham Emergency Squad, Green Village Volunteer Fire Department, and Chatham Township Volunteer Fire Department shall mean those members of the respective organization who are in good standing and perform regular fire or emergency squad duty as certified to the Township by their President or Commanding Officer, as the case may be, for the year in which membership in the Chatham Colony Recreation Center is sought

2. The Township Administrator, in consultation with the Colony Recreation Center liaison, may authorize the Recreation Director to schedule special promotional events and to offer special discounts to promote Colony Recreation Center membership.

3. This ordinance shall take effect as provided by law.

Mayor Sullivan opened the Public Hearing on Ordinance 2014-06.
Seeing no public comment, Mayor Sullivan closed the Public Hearing.

Committeewoman Abbott asked if the ordinance should state that fitness classes meet three times a week and yoga classes meet twice a week. Administrator Ciccarone said that the ordinance does not need to state that, and it will be made clear when the fees are posted online.

Committeewoman Abbott moved to adopt Ordinance 2014-06. Committeeman Brower seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Hearing of Citizens

Mayor Sullivan opened the Hearing of Citizens.

1. David Wells-Roth, 76 Linden Lane, said that the residents in his neighborhood do not want the walkway from Pine Street to Linden Lane used.
2. Ken McCaffrey, 75 Pine Street, asked for clarification that the public hearing on Ordinance 2014-08 would occur on April 10th. He also reiterated that the neighbors on Linden Lane and Pine Street do not want the walkway.
3. Larry Fechtner, 3 Rolling Hill Drive, asked Mayor Sullivan to address comments quoted in the press about other walkway options. Mayor Sullivan said that he envisioned pedestrians from the Sandy Hill area to walk down Noe Ave to Dale Drive on their way toward Lafayette Avenue School or Chatham High School.
4. Michael Sung, 75 Linden Lane, said that the walkway is the same distance as walking down Dale Drive to get to the schools. He also addressed the risk that the pond presents to this walkway. He said that the risk/reward of this walkway makes the walkway not worth it.
5. Sarah Fechtner, 3 Rolling Hill Drive, said that she has been consulting with an expert on easements, and asked that the public hearing on Ordinance 2014-08 not be on April 10th, as the expert is unavailable to attend that meeting. Attorney Cruz said that the Mayor sets the schedule, and the public hearing will be when he wants it to be. Mayor Sullivan said that the public hearing will be scheduled for April 10th. Attorney Cruz said that Administrator Ciccarone would be the best contact point for experts and residents to call about this issue.

Seeing no further comment, Mayor Sullivan closed the Hearing of Citizens.

Introduction of Ordinances

Ordinance 2014-07

ORDINANCE 2014-07

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE CODE OF THE TOWNSHIP OF CHATHAM CHAPTER II, ARTICLE III, SECTIONS 2-11.3, 2-11.4, 2-11.6 and 2-11.15, POLICE DEPARTMENT

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that certain sections of Chapter II, Article III, Section 2-11, et seq., entitled Police Department, of the Code of the Township of Chatham are hereby repealed and replaced as follows:

1. Section 2-11.3. **Supervision of the Police Department.** The Chief of Police shall be the head of the Police Department and shall be directly responsible to the appropriate authority for the efficiency and routine day-to-day operations thereof, pursuant to policies established by the appropriate authority in accordance with N.J.S.A. 40A:14-118.
2. Section 2-11.4. **Duties of the Chief.** Subject to policies established by the appropriate authority, the Chief of Police shall:
 - a. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel;
 - b. Have, exercise and discharge the functions, powers and duties of the force;
 - c. Prescribe the duties and assignments of all subordinates and personnel;
 - d. Delegate such of his authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision;
 - e. Report at least monthly to the appropriate authority, through the Township Administrator, on the operation of the force during the preceding month and make such other reports as may be requested by such authority.

As used in this section, "appropriate authority", means the Public Safety sub-committee of the Township Committee.

Except as provided herein, the Township Committee and individual members thereof shall act in all matters relating to the police function of the Township as a body, or through the appropriate authority.

3. Section 2-11.6 **Special Police.** In accordance with N.J.S.A. 40A: 14-146.10 the Township Committee may, as it deems necessary, appoint special law enforcement officers sufficient to perform the duties and responsibilities authorized by N.J.S.A. 40A:14-118. "Special law enforcement officer" means any person appointed to temporarily or intermittently perform duties similar to those performed regularly by members of the police force, or to provide assistance to the police force during unusual or emergency circumstances, or at individual times. Any person so appointed shall meet the eligibility criteria as set forth in N.J.S.A. 40A:14-146.10.
4. Section 2-11.15 **Suspension and Removal.** Except as otherwise provided by law, no permanent member or officer of the police department shall be removed from his office, employment or position for political reasons, or for any cause other than incapacity, misconduct, or disobedience of rules and regulations established for the government of the police department and force, nor shall such member or officer be suspended, removed, fined or reduced in rank from or in office, employment, or position therein, except for just cause as hereinbefore provided and then only upon a written complaint setting forth the charge or charges against such member or officer.
All suspensions and removals of officers shall be in accordance with N.J.S.A. 40A:14-147 et seq. as may be amended from time to time.
The Township Administrator is hereby designated to hear any complaints brought against members of the force and shall have the power to subpoena witnesses and documentary evidence. The Superior Court shall have jurisdiction to enforce any such subpoena. The Township Administrator may, with the approval of the Township Committee, appoint a hearing officer to conduct any such hearing. The Township Administrator or designated hearing officer shall issue a report to the Township Committee of his findings along with a recommendation which may be accepted, rejected or modified by the Township Committee.
5. All other provisions of Article III, Chapter II, Section 2-11 shall remain unchanged.
6. This ordinance shall take effect as provided by law.

Administrator Ciccarone explained that upon review of the section of the code book pertaining to the Police Department, sections were found that are inconsistent with NJ Statutes. One is in regard to the naming of the appropriate authority for civilian oversight, and a section needs to be updated to reflect the changes that were previously made. A statutory reference also needs to be updated in the section referring to the hiring of special police officers. Additionally, the old regulations allow the Chief to suspend an officer for five days before filing disciplinary charges. State regulations allow 45 days, and the proposed ordinance brings the Township code into compliance. Finally, the sections regarding a hearing officer are being clarified that the hearing officer would be the Township Administrator, and the Administrator would report their findings to the Township Committee.

Committeeman Brower moved to introduce Ordinance 2014-07. Deputy Mayor Ritter seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Public Hearing on Ordinance 2014-07 will be scheduled for April 10, 2014.

Consent Agenda

RESOLUTION 2014-075

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING PAYMENT OF BILLS, PAYROLLS, SCHOOL TAXES AND COUNTY TAXES

BE IT RESOLVED that bills in the total amount of \$526,652.22 and the prior month's payroll of \$456,029.70 Current Fund, \$47,952.19 Sewer No. 1, \$10,597.67 Sewer No. 2, and \$7,689.10 Police Private Employment be paid.

BE IT FURTHER RESOLVED that taxes due to the School District of the Chathams, for the month of March 2014, in the amount of \$2,702,308.11 be paid.

RESOLUTION 2014-076

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING MEETING MINUTES

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on February 27, 2014.

RESOLUTION 2014-077
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
APPROVING EXECUTIVE SESSION MINUTES

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on February 27, 2014.

RESOLUTION 2014-078
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM,
COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING ONE-DAY SPECIAL PERMIT
FOR LIQUOR LICENSE

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following permit for a One-Day Liquor License is hereby approved:

<u>Name of Organization</u>	<u>Dates of Social Affair</u>	<u>Place where Affair will be held</u>
Chatham Township Firemens Benevolent Fund	June 21, 2014	Chatham Township Fire Dept 495 River Road Chatham, NJ 07928

RESOLUTION 2014-079
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
AUTHORIZING THE SUBMISSION OF A STATE RECYCLING TONNAGE GRANT
APPLICATION FOR 2013

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987. c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Committee of the Township of Chatham to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the Township of Chatham hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates **EILEEN HLADKY**, Certified Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION 2014-080
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM
REGARDING POSTING OF RESOLUTIONS ON THE CHATHAM TOWNSHIP WEBSITE

WHEREAS, it is the desire of the Township Committee of the Township of Chatham to encourage clarity of purpose and transparency at all levels of government; and

WHEREAS, the Township Committee, in addition to already posting its Agendas on the Township website and televising its meetings, desires to enhance the information available to the public prior to the Township Committee meetings; and

WHEREAS, the Township Committee desires that its Agenda continue to be posted on the Township website no later than two (2) days prior to its meetings, and that the Agenda include hyperlinks to the Ordinances and Resolutions that will be considered by the Township Committee; and

WHEREAS, all draft Ordinances and Resolutions to be considered by the Township Committee will be posted and labeled as draft in PDF format only, with the Agenda advising that the Ordinances and Resolutions are in draft form subject to change or withdrawn by the Township Committee; and

WHEREAS, the posting of the Agenda along with draft Ordinances and Resolutions may not serve as a basis to prevent the introduction of an Ordinance or adoption of Resolution which was not posted where the public interest would be served by proceeding forward.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. That the Township Clerk will send the Agenda, Ordinances and Resolutions that will be considered by the Township Committee, to the webmaster of the Chatham Township website for posting thereon.
2. That this Resolution shall take effect immediately.

RESOLUTION 2014-081

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM TO AUTHORIZE ADOPTION OF A POLICY & PROCEDURES GOVERNING INITIAL AND SUPPLEMENTAL BACKGROUND CHECKS FOR CHATHAM TOWNSHIP RECREATION PROGRAM VOLUNTEERS AND EMPLOYEES

WHEREAS, upon the recommendation of the Township Administrator, the Township Committee believes it is in the best interest of the Township to authorize the adoption of a policy and procedures governing initial and supplemental background checks for Chatham Township Recreation Program volunteers and employees; and

WHEREAS, the Township Administrator has developed a policy and procedures governing initial and supplemental background checks for Chatham Township Recreation Program volunteers and employees; and

WHEREAS, the Township Committee wish to authorize the adoption of the policy and procedures governing initial and supplemental background checks for Chatham Township Recreation Program volunteers and employees;

BE IT RESOLVED, by the Township Committee of the Township of Chatham adopting the upon the recommendation of the Township Administrator the policy and procedures governing initial and supplemental background checks for Chatham Township Recreation Program volunteers and employees, that is attached hereto as Exhibit A and incorporated same as if it was fully set forth herein.

BE IT FURTHER RESOLVED, that a copy of this Resolution and Exhibit A shall be sent by the Township Clerk to the following persons:

1. Clerk, Borough of Chatham
2. Chatham Borough and Chatham Township Joint Recreation Advisory Committee Recreation Department
3. President, Chatham Athletic Foundation, Inc.
4. Administrator, Morris County Joint Insurance Fund

BE IT FURTHER RESOLVED, that all Township of Chatham officials are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

RESOLUTION 2014-082

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY HONORING DR. JAMES BROWN

WHEREAS, Dr. James Brown has dedicated 30 years of outstanding service to the Chatham Township Board of Health and the community of Chatham Township; and

WHEREAS, Dr. Brown has given his time and utmost efforts to ensure and protect the Public Health of the Township of Chatham, guiding the Board of Health under the laws of the State of New Jersey; and

BE IT RESOLVED by the Township Committee of the Township of Chatham acknowledging Dr. Brown's extensive contributions to the Township of Chatham during his service to the Board of Health, with deep gratitude for his contributions.

BE IT RESOLVED that Dr. Brown's loyal service, attentiveness to the needs of the community and giving nature will be missed by the Township of Chatham.

BE IT FURTHER RESOLVED that the Township Committee on behalf of all the residents of the Township of Chatham extend a sincere thank you for 30 years of unselfish service to improving the lives of our community and exemplifying the highest level of giving; giving of oneself.

Committeeman Brower and Deputy Mayor Ritter inquired about the background checks for recreation volunteers. Administrator Ciccarone explained that this resolution updates the policy as the Recreation Program has now moved to the club model. It establishes how information would be shared, and that the Joint Trust Account will pay for the initial background checks. Subsequent checks will be paid for by the volunteer, and are of a lower cost than the initial check.

Committeewoman Abbott moved to approve the Consent Agenda. Committeeman Brower seconded the motion.

Roll call: Committeewoman Abbott, Aye; Committeeman Gallop, Aye; Committeeman Brower, Aye; Deputy Mayor Ritter, Aye; Mayor Sullivan, Aye.

Hearing of Citizens

Mayor Sullivan opened the Hearing of Citizens.

There being no public comment, Mayor Sullivan closed the Hearing of Citizens.

Executive Session

RESOLUTION 2014-P-05 RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

WHEREAS, N.J.S.A. 10:4-12 of the Open Public Meetings Act permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Potential Property Acquisition
 - b. Attorney-client privilege: In Re the Adoption of Revised Third Round Regulations, Appellate Division Order.
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Gregory J. LaConte
Township Clerk